

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3568 of 2020

Ramsagar S/o Sohan Banjare Aged About 46 Years Resident Of Village
Mudhipar, Police Station Bilha, District Bilaspur Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Bilha , District Bilaspur
Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No.80 of 2020 registered at Police Station- Bilha, District Bilaspur (CG) for the alleged commission of offence under Section 294, 506, 323, 307 Read with Section 34 of IPC.
2. Case of the prosecution is that in connection with land dispute the applicant and other co-accused being his wife and daughters assaulted victims Laxmin, Santoshi, Mongra & Sohan with the help of axe, crowbar, club, hand and fist, in which, Santoshi and Sohan sustained injuries on their head and Sohan had to remain in hospital for four days because of injury on the occipital part. According to the prosecution, the applicant assaulted the victims with intention to cause death.
3. Learned counsel for the applicant would argue that the prosecution story is exaggerated. He would submit that the applicant and victims are neighbors living adjacent to each other and there were land dispute in which scuffle had taken place and the applicant has also sustained injury. He would submit that the allegation of injuries to cause death is not made out because all the injuries are lacerated in nature and no injury is either caused by sharp edged weapon or by a pointed weapon. There are no fracture also and Sohan was discharged from hospital in four days.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the applicant is the main accused. He was holding an axe over the land in dispute, he assaulted victims with intention to cause death, in which, Santoshi and Sohan sustained lacerated wound on their hand.
5. Taking into consideration the submission of learned counsel for the parties, nature of injury and particularly taking into consideration that nature of injury does not appear to be caused by sharp edged weapon or by any pointed weapon and they are lacerated in nature and period of hospitalization of Sohan being four days before his discharge, investigation is complete and charge-sheet has been filed, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge